

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAVID L. BUCKLER,)
)
Plaintiff,)
)
vs.) Case No. 4:09CV1728 CDP
)
)
TRAVIS EZERSK,)
)
Defendant.)

MEMORANDUM AND ORDER

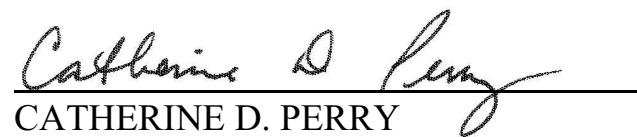
Plaintiff has filed a motion to appoint counsel. Because I believe that plaintiff is able to effectively manage his own case and follow the directives set out in the case management order, I will deny his request for appointed counsel.

There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

After considering these factors, I find that they weigh against the appointment of counsel at this time.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel [#4] is DENIED.



Catherine D. Perry
CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 13th day of January, 2010.